

## **REMARKS**

### **A. BACKGROUND**

The present Amendment is in response to the Office Action mailed June 16, 2009. Claims 1-3, 8, 10, 16, 21, 23, 24, and 30-38 were pending and rejected in view of cited art.<sup>1</sup> Claims 1, 10, 16, 21, 23-24, and 30 are amended. Claims 1-3, 8, 10, 16, 21, 23, 24, and 30-38 remain pending in view of the above amendments.<sup>2</sup>

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, are consistent with the Examiner's understanding.

### **B. PRIOR ART REJECTIONS**

#### **I. REJECTION UNDER 35 U.S.C. § 103**

The Office Action rejected claims 1-3, 8, 10, 21, 23, 24, 30-33, and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over European Patent No. EP 0779062 (*Glastra*) in view of European Patent No. EP 0861638 (*Pinchuk*). Claims 16, 34, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Glastra* in view of *Pinchuk* as applied to claim 1, and further in view of U.S. Patent No. 5,843,116 (*Crocker*).

Applicant traverses the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims. By contrast to the presently claimed invention, *Glastra*, *Pinchuk*,

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should the need arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

and/or *Crocker* do not teach or suggest the stent-catheter arrangement as recited in independent claims 1 and 30.

*Glastra* was cited as showing "a stent-catheter arrangement having a balloon **26** with two fully expandable 'substantially cylindrical' sections **27** and a 'substantially cylindrical' section of reduced expandability between the expandable sections" (Office Action, page 2). However, the Office Action admits that "*Glastra* does not disclose a liquid impermeable cover over the stent or a stiffening element for forming a reduced expandable section" *Id.* *Pinchuk* was cited as illustrating "a stent **100** that is flared and can be considered as a substantially cylindrical deformable stent to extend over a balloon catheter," that "the stent has a graft . . .," and "an independent stiffening element **105'** [that] can be used to form a section of reduced expandability **106'**" (Office Action, pages 2 and 3). *Crocker* was cited as showing "that [a] stiffening materials [are] integrated into balloons to limit the expansion of the balloon in certain areas . . . [and] teaches bonding" (Office Action, page 3).

Independent claim 1 recites, in part, "said stent extending over said substantially cylindrical segment of reduced expandability and said tapered sections, said stent terminating at portions of said first and second substantially cylindrical sections, said balloon being configured and arranged to expand said stent to have a first substantially cylindrical fixing portion having an outer diameter associated with fixing said stent within the vessel, a first tapered portion connected to and extending inwardly and distally from said first substantially cylindrical fixing portion, a substantially cylindrical middle portion connected to and extending from said first tapering portion, said middle portion having a middle diameter smaller than said outer diameter, a second tapered portion connected to and extending outwardly and distally from said middle portion, and a second substantially cylindrical fixing portion, having said outer diameter, connected to and extending distally from said second tapered portion, said first and second tapered portions having predetermined lengths and angles and extending from said middle diameter to a first junction of said first fixing portion and said first tapered portion at said outer diameter and a second junction of said second fixing portion and said second tapered portion at said outer diameter, respectively, said first fixing portion extending along said vessel proximally from said first junction and said second fixing portion extending along said vessel distally of said second junction."

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<sup>2</sup> Support for the claim amendments and/or new claim(s) can be found throughout the specification and/or drawings as originally filed.

Independent claim 30 recites, in part, "the stent being disposed upon the expandable balloon and extending over the middle section, the tapered sections, and at least portions of the first and second end sections and being deformable into a shape complementary to the shape of the expanded balloon following expansion of the balloon, the stent having a first substantially cylindrical end section, a first tapered section connected to and extending from the first substantially cylindrical end section, a substantially cylindrical middle section connected to and extending from the first tapered section, a second tapered section connected to and extending from the substantially cylindrical middle section, and a second substantially cylindrical end section connected to and extending from the second tapered section, the first and second tapered sections having predetermined lengths and angles and extending from the middle diameter to a first junction of the first substantially cylindrical end section and the first tapered section at the outer diameter and a second junction of the second substantially cylindrical end section and the second tapered portion at the outer diameter, respectively, the first substantially cylindrical end section extending along the vessel proximally from the first junction and the second substantially cylindrical end section extending along the vessel distally of the second junction."

Applicant respectfully submits that *Glastra*, *Pinchuk*, and/or *Crocker*, whether alone or in combination, do not teach or suggest the stent and stent-arrangement recited in independent claims 1 and 30. Specifically, *Glastra*, *Pinchuk*, and/or *Crocker* do not teach or suggest that the stent "extend[s] over said substantially cylindrical segment of reduced expandability and said tapered sections" and that the stent "terminat[es] at portions of said first and second substantially cylindrical sections," as recited in independent claim 1, or "the middle section of reduced expandability and the tapered sections and terminating at portions of said first and second end sections" of the balloon, as recited in independent claim 30. Rather, the stents illustrated and described in *Glastra* and *Pinchuk* do not appear to extend over the balloon as recited in independent claims 1 and 30. Further, *Glastra* and *Pinchuk* do not appear to have the stent structure claimed in independent claims 1 and 30 with the end sections, the tapered sections, and the middle section. Applicant respectfully submits that *Crocker* fails to overcome the deficiencies of *Glastra* and *Pinchuk*.

In view of the above, Applicant respectfully requests withdrawal of the rejection of independent claims 1 and 30 under Section 103. For at least the same reason, Applicant respectfully requests withdrawal of the rejections of dependent claims 2-3, 8, 10, 16, 21, 23, 24, and 31-38, which depend from independent claims 1 and 30, respectively.

**C. CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as provide the required motivation or suggestion to combine references with the other art of record.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are neither anticipated by nor made obvious by the art of record. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15<sup>th</sup> day of October, 2009.

Respectfully submitted,

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